

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION
NORTHERN

VVONAKA RICHARDSON, individually, and
AJR, a minor, by and
through her mother and next friend,
Vvonaka Richardson,

CIVIL ACTION NO. 3:22-cv-326-HTW-LGI

Plaintiff,

v.

POLUSA TRANSPORTATION, INC.; QUALITY
LEASE AND RENTAL LLC; USA CARGO, INC.; MOB
CARRIERS, INC. d/b/a TX LOADRUNNERS; ALLAN
RICARDO GREEN, separately and severally,

Defendants

COMPLAINT

GENERAL ALLEGATIONS

1. Plaintiff Vvonaka Richardson (“Vvonaka”) is a resident of Jefferson County, Alabama, and is the mother of AJR. She brings this action on behalf of her daughter, as her next friend, and individually for her own injuries and damages, as more fully appears below.

2. Plaintiff AJR is a minor resident of Jefferson County, Alabama. AJR’s claims are brought by and through her mother and next friend, Vvonaka Richardson.

3. Defendant Quality Lease and Rental LLC (sometimes referred to hereinafter as “Quality Lease and Rental” or included within the term “Defendants”) is an Illinois limited liability company with its principal place of business in Lansing, Illinois. Quality Lease and Rental LLC’s only member/manager is Audrius Vaitiekunas, an adult resident of the state of Illinois. At all times material to this case, Defendant Quality Lease

and Rental was a carrier, driver recruiter/trainer/placement coordinator, broker, shipper freight forwarder, and/or joint venturer responsible for the transportation of the goods being transported by Defendant Allan Ricardo Green in Lauderdale County, Mississippi.

4. Defendant Polusa Transportation, Inc. (sometimes referred to hereinafter as “Polusa Transportation” or included within the term “Defendants”) is Illinois corporation with its principal place of business in Romeoville, Illinois. At all times material to this case, Defendant Polusa Transportation, Inc. was a carrier, driver recruiter/trainer/placement coordinator, broker, shipper freight forwarder, and/or joint venturer responsible for the transportation of the goods being transported by Defendant Allan Ricardo Green in Lauderdale County, Mississippi.

5. Defendant USA Cargo, Inc. (sometimes referred to hereinafter as “USA Cargo” or included within the term “Defendants”) is an Illinois corporation with its principal place of business in Bensenville, Illinois. At all times material to this case, Defendant USA Cargo, Inc. was a carrier, driver recruiter/trainer/placement coordinator, broker, shipper freight forwarder, and/or joint venturer responsible for the transportation of the goods being transported by Defendant Allan Ricardo Green in Lauderdale County, Mississippi.

6. Defendant MOB Carriers, Inc. (Defendant MOB Carriers, Inc. (sometimes referred to hereinafter as “MOB Carriers” or included within the term “Defendants”) is a Texas corporation with its principal place of business in Euless, Texas. At all times material to this case, Defendant MOB Carriers, Inc. was a carrier, driver recruiter/trainer/placement coordinator, broker, shipper freight forwarder, and/or joint venturer responsible for the transportation of the goods being transported by Defendant Allan Ricardo Green in Lauderdale County, Mississippi.

7. Defendant Allan Ricardo Green (sometimes referred to hereinafter as “Mr. Green” or included in the term “Defendants”) is a resident of Tarrant County, Texas, and was employed by Defendants as a driver as of July 31, 2020. Further, Mr. Green – as part of his employment with Defendants – was operating a tractor-trailer rig on July 31, 2020, at the time and place of the crash that is the subject of this action.

8. At all times material to this Complaint, Allan Ricardo Green was an agent, servant and/or employee of Defendants, and was acting within the line and scope of his employment as the agent, servant or employee of the Defendants. Further, Allan Ricardo Green was charged with the responsibility of safely operating the tractor-trailer rig at issue for the benefit of Defendants.

9. On July 31, 2020 in Lauderdale County, Mississippi, Defendants, by and through their agent, servant, and/or employee, Allan Ricardo Green, crashed into the vehicle being driven by Plaintiff Vvonaka Richardson and in which AJR was a passenger. This event is sometimes referred to as the “subject crash.”

10. At the time of the subject crash, both vehicles were traveling east on Interstate 20 when the tractor-trailer Defendant Allan Ricardo Green was operating attempted to change lanes and collided with Plaintiffs’ vehicle causing Plaintiffs’ vehicle to hit the concrete ledge of a bridge before the tractor-trailer collided with it a second time.

11. At the time of the subject crash, Defendants – by and through their agent, servant, and/or employee, Allan Ricardo Green – were operating their tractor-trailer rig in a negligent, unsafe, reckless or otherwise dangerous manner.

12. As a direct result of the negligent, unsafe, reckless, wanton, or otherwise dangerous acts, conduct and/or omissions of Defendants, both directly and vicariously through their agents, servants and/or employees, as described above, the Plaintiffs were caused to suffer physical injuries and/or other damages.

13. For the acts and omissions set out and described herein, the law of the State of Mississippi provides remedy under various common law causes of action.

JURISDICTION AND VENUE

14. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a) because the amount in controversy exceeds \$75,000 and this case is between citizens of different states.

15. Venue in this judicial district is proper pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims took place in this district.

16. The Defendants are subject to the jurisdiction of this Court because they intentionally availed themselves of the benefit of doing business in Mississippi through their work as carriers, driver recruiter/trainer/placement coordinators, brokers, shippers, freight forwarders, and/or joint venturers responsible for the transportation of the goods being transported by Defendant Allan Ricardo Green in Lauderdale County, Mississippi on July 31, 2020, and the Defendants' operations in these regards caused and contributed to Plaintiffs' injuries and damages.

FIRST CAUSE OF ACTION **(Negligence)**

17. Plaintiffs incorporate all the allegations contained in the foregoing paragraphs as if set forth fully herein and further allege as follows:

18. Plaintiff's injuries, as described below, were proximately caused by the negligence of the Defendants in one or more of the following ways:

- a. Negligently operating the tractor-trailer involved in the subject crash;
- b. Negligently maintaining the tractor-trailer involved in the subject crash;
- c. Negligently inspecting the tractor-trailer involved in the subject crash;

- d. Negligently hiring the driver operating the tractor-trailer involved in the subject crash;
- e. Negligently training the driver operating the tractor-trailer involved in the subject crash;
- f. Negligently supervising the driver operating the tractor trailer involved in the subject crash;
- g. Negligently entrusting the tractor trailer involved in this crash to the driver;
- h. Negligently monitoring the driver involved in the subject crash; and/or
- i. Other acts of negligence that will be shown through discovery.

19. As a proximate consequence of said negligence, Plaintiffs were caused to suffer damage, are presently suffering damage, and will continue to suffer damage in the future, such damage including but not limited to the following: bodily harm, personal injury, pain and suffering, emotional and mental injury, medical expenses, financial loss, lost income, inconvenience, annoyance, and loss of enjoyment and quality of life.

WHEREFORE Plaintiff AJR, by and through her mother and next friend, Vvonaka Richardson, and Vvonaka Richardson, individually, demand judgment against Defendants Polusa Transportation, Inc., Quality Lease and Rental LLC, USA Cargo, Inc., MOB Carriers, Inc. d/b/a TX Loadrunners, and Allan Ricardo Green, individually and jointly, for such sums as the jury may assess and are recoverable by law, plus interest and costs.

SECOND CAUSE OF ACTION
(Wantonness)

20. Plaintiffs incorporate here all the allegations contained in the foregoing paragraphs as if set forth fully herein and further allege as follows:

21. Plaintiff's injuries, as described below, were proximately caused by the wantonness of the Defendants in one or more of the following ways:

- a. Wantonly operating the tractor-trailer involved in the subject crash;
- b. Wantonly maintaining the tractor-trailer involved in the subject crash;
- c. Wantonly inspecting the tractor-trailer involved in the subject crash;
- d. Wantonly hiring the driver operating the tractor-trailer involved in the subject crash;
- e. Wantonly training the driver operating the tractor-trailer involved in the subject crash;
- f. Wantonly supervising the driver operating the tractor trailer involved in the subject crash;
- g. Wantonly entrusting the tractor trailer involved in this crash to the driver;
- h. Wantonly monitoring the driver involved in the subject crash; and/or
- i. Other acts of wantonness that will be shown through discovery.

22. As a proximate consequence of said wantonness, Plaintiffs were caused to suffer damage, are presently suffering damage, and will continue to suffer damage in the future, such damage including but not limited to the following: bodily harm, personal injury, pain and suffering, emotional and mental injury, medical expenses, financial loss, lost income, inconvenience, annoyance, and loss of enjoyment and quality of life.

WHEREFORE Plaintiff AJR, by and through her mother and next friend, Vvonaka Richardson, and Vvonaka Richardson, individually, demand judgment against Defendants Polusa Transportation, Inc., Quality Lease and Rental LLC, USA Cargo, Inc., MOB Carriers, Inc. d/b/a TX Loadrunners, and Allan Ricardo Green, individually and

jointly, for all such sums as the jury may assess and are recoverable by law, including punitive damages, plus interests and costs.

CUNNINGHAM BOUNDS, LLC

Attorneys for Plaintiff

BY: Lucy E. Tufts

LUCY E. TUFTS (MS Bar # 105884)

Post Office Box 66705

Mobile, Alabama 36660

(251) 471-6191

let@cunninghambounds.com

PLAINTIFF RESPECTFULLY DEMANDS A TRIAL BY JURY OF THIS CAUSE.

Lucy E. Tufts

LUCY E. TUFTS